

AMENDED IN ASSEMBLY JULY 6, 2005
AMENDED IN ASSEMBLY JUNE 20, 2005
AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 246

Introduced by Senator Figueroa

February 15, 2005

An act to amend Sections 6704, 6706.3, 6710, 6712, 6714, 6715, 6716, 6717, 6730, 6732, 6732.3, 6732.4, 6736, 6736.1, 6737.3, 6738, 6740, 6741, 6750, 6754, 6755.1, 6780, 6787, 8710, 8740, 8741, 8741.1, 8745, 8761, and 8764 of, to add Sections 6702.3, 6702.4, 6702.5, 6702.6, 6702.7, 6702.8, 6730.5, 6730.6, 6730.7, 6731.7, 6731.8, 6732.5, and 6746.1 to, and to repeal Sections 6704.1, 6737.2, and 8753 of, the Business and Professions Code, relating to professions and vocations, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 246, as amended, Figueroa. Board for Professional Engineers and Land Surveyors: engineers.

Existing law establishes the Board for Professional Engineers and Land Surveyors in the Department of Consumer Affairs. Existing law requires the board to appoint an executive officer. Existing law authorizes the board to make and enforce rules and regulations that are reasonably necessary to carry out the provisions of law regulating land surveyors. Existing law provides that these provisions are to become inoperative and are repealed on July 1, 2006, and January 1, 2007, respectively.

This bill would instead make these provisions inoperative and repealed on July 1, 2012, and January 1, 2013, respectively.

Existing law recognizes various engineering disciplines. Existing law prohibits the practicing of civil, electrical, and mechanical engineering by any person who has not passed a specified examination and who is not appropriately licensed by the board in that discipline. With respect to other engineering disciplines, existing law prohibits persons other than those licensed by the board from using certain engineering branch titles.

This bill would eliminate the disciplines of agricultural, industrial, and metallurgical engineering. The bill would prohibit the practicing of chemical, control systems, fire protection, nuclear, petroleum, and traffic engineering by any person who has not passed a specified examination and who is not appropriately licensed by the board in the particular discipline. The bill would make other changes to related provisions. This bill would also eliminate the temporary authorization process to practice as a professional land surveyor.

Existing law makes various violations of the Professional Engineers Act a crime, including the practice or offer to practice by a person of civil, electrical, or mechanical engineering without authorization as provided by the act. By revising this definition of a crime to include additional engineering disciplines, the bill would impose a state-mandated local program.

Existing law authorizes the board to hold examinations for persons seeking to be licensed by the board as engineers or land surveyors and to charge application fees.

This bill would also authorize the board to charge an examination fee, and would allow the board to make arrangements with a public or private organization for conduct of examinations and to receive payment of the examination fee.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION. 1. Section 6702.3 is added to the Business and
2 Professions Code, to read:

3 6702.3. “Chemical engineer” as used in this chapter means a
4 professional engineer in the branch of chemical engineering and
5 refers to one who practices or offers to practice chemical
6 engineering in any of its phases.

7 SEC. 2. Section 6702.4 is added to the Business and
8 Professions Code, to read:

9 6702.4. “Control system engineer” as used in this chapter
10 means a professional engineer in the branch of control system
11 engineering and refers to one who practices or offers to practice
12 control system engineering in any of its phases.

13 SEC. 3. Section 6702.5 is added to the Business and
14 Professions Code, to read:

15 6702.5. “Fire protection engineer” means a professional
16 engineer in the branch of fire protection engineering and refers to
17 one who practices or offers to practice fire protection engineering
18 in any of its phases.

19 SEC. 4. Section 6702.6 is added to the Business and
20 Professions Code, to read:

21 6702.6. “Nuclear engineer” means a professional engineer in
22 the branch of nuclear engineering and refers to one who practices
23 or offers to practice nuclear engineering in any of its phases.

24 SEC. 5. Section 6702.7 is added to the Business and
25 Professions Code, to read:

26 6702.7. “Petroleum engineer” means a professional engineer
27 in the branch of petroleum engineering and refers to one who
28 practices or offers to practice petroleum engineering in any of its
29 phases.

30 SEC. 6. Section 6702.8 is added to the Business and
31 Professions Code, to read:

32 6702.8. “Traffic engineer” means a professional engineer in
33 the branch of traffic engineering and refers to one who practices
34 or offers to practice traffic engineering in any of its phases.

35 SEC. 7. Section 6704 of the Business and Professions Code is
36 amended to read:

37 6704. (a) In order to safeguard life, health, property, and
38 public welfare, no person shall practice chemical, civil, control

1 system, electrical, fire protection, mechanical, nuclear,
2 petroleum, or traffic engineering unless appropriately licensed or
3 specifically exempted from licensure under this chapter, and only
4 persons licensed under this chapter shall be entitled to take and
5 use the titles “consulting engineer,” “professional engineer,”
6 “licensed engineer,” or “registered engineer,” or any combination
7 of those titles or abbreviations thereof, and according to licensure
8 with the board the engineering branch titles specified in Section
9 6732, or the authority titles specified in Sections 6736 and
10 6736.1, or the title “engineer-in-training.”

11 (b) The provisions of this section shall not prevent the use of
12 the title “consulting engineer” by a person who has qualified for
13 and maintained exemption for using that title under the
14 provisions of Section 6732.1, or by a person licensed as a
15 photogrammetric surveyor.

16 SEC. 8. Section 6704.1 of the Business and Professions Code
17 is repealed.

18 SEC. 9. Section 6706.3 of the Business and Professions Code
19 is amended to read:

20 6706.3. Any reference in any law or regulation to a registered
21 engineer, or to a registered chemical, civil, control system,
22 electrical, fire protection, mechanical, nuclear, petroleum, or
23 traffic engineer, is deemed to refer to a licensed engineer, or to a
24 licensed chemical, civil, control system, electrical, fire
25 protection, mechanical, nuclear, petroleum, or traffic engineer, as
26 the case may be.

27 SEC. 10. Section 6710 of the Business and Professions Code
28 is amended to read:

29 6710. (a) There is in the Department of Consumer Affairs a
30 Board for Professional Engineers and Land Surveyors, which
31 consists of 13 members.

32 (b) Any reference in any law or regulation to the Board of
33 Registration for Professional Engineers and Land Surveyors is
34 deemed to refer to the Board for Professional Engineers and
35 Land Surveyors.

36 (c) This section shall become inoperative on July 1, 2012, and,
37 as of January 1, 2013, is repealed, unless a later enacted statute,
38 that becomes effective on or before January 1, 2013, deletes or
39 extends the dates on which it becomes inoperative and is
40 repealed. The repeal of this section renders the board subject to

1 the review required by Division 1.2 (commencing with Section
2 473).

3 SEC. 11. Section 6712 of the Business and Professions Code
4 is amended to read:

5 6712. (a) All appointments to the board shall be for a term of
6 four years. Vacancies shall be filled by appointment for the
7 unexpired term. Each appointment thereafter shall be for a
8 four-year term expiring on June 30 of the fourth year following
9 the year in which the previous term expired.

10 (b) Each member shall hold office until the appointment and
11 qualification of his or her successor or until one year shall have
12 elapsed since the expiration of the term for which he or she was
13 appointed, whichever first occurs. No person shall serve as a
14 member of the board for more than two consecutive terms.

15 (c) The Governor shall appoint professional members so that
16 one is licensed to practice engineering as a civil engineer, one as
17 an electrical engineer, one as a mechanical engineer, another is
18 authorized to use the title of structural engineer, and one is a
19 member of one of the remaining branches of engineering. One of
20 the professional members licensed under this chapter shall be
21 from a local public agency, and one shall be from a state agency.

22 (d) The Governor shall appoint five of the public members and
23 the professional members qualified as provided in Section 6711.
24 The Senate Rules Committee and the Speaker of the Assembly
25 shall each appoint a public member.

26 SEC. 12. Section 6714 of the Business and Professions Code
27 is amended to read:

28 6714. The board shall appoint an executive officer at a salary
29 to be fixed and determined by the board with the approval of the
30 Director of Finance.

31 This section shall become inoperative on July 1, 2012, and, as
32 of January 1, 2013, is repealed, unless a later enacted statute, that
33 becomes effective on or before January 1, 2013, deletes or
34 extends the dates on which it becomes inoperative and is
35 repealed.

36 SEC. 13. Section 6715 of the Business and Professions Code
37 is amended to read:

38 6715. The board shall compile and maintain, or may have
39 compiled and maintained on its behalf, a register of all licensees
40 that contains information showing the name, address of record,

1 type of branch license, license number, the date the license was
2 issued, and the date the license will expire.

3 SEC. 14. Section 6716 of the Business and Professions Code
4 is amended to read:

5 6716. (a) The board may adopt rules and regulations
6 consistent with law and necessary to govern its action. These
7 rules and regulations shall be adopted in accordance with the
8 provisions of the Administrative Procedure Act (Chapter 3.5
9 (commencing with Section 11340) of Part 1 of Division 3 of Title
10 2 of the Government Code).

11 (b) The board may adopt rules and regulations of professional
12 conduct that are not inconsistent with state and federal law. The
13 rules and regulations may include definitions of incompetence
14 and negligence. Every person who holds a license or certificate
15 issued by the board pursuant to this chapter shall be governed by
16 these rules and regulations.

17 (c) The board shall hold at least two regular meetings each
18 year. Special meetings shall be held at those times that the
19 board's rules provide. A majority of the board constitutes a
20 quorum.

21 SEC. 15. Section 6717 of the Business and Professions Code
22 is amended to read:

23 6717. Notwithstanding subdivision (b) of Section 6716, the
24 board shall not by regulation further define the scope of practice
25 of any branch of professional engineering.

26 SEC. 16. Section 6730 of the Business and Professions Code
27 is amended to read:

28 6730. In order to safeguard life, health, property and public
29 welfare, any person, either in a public or private capacity, except
30 as in this chapter specifically excepted, who practices, or offers
31 to practice, chemical engineering, civil engineering, control
32 system engineering, electrical engineering, fire protection
33 engineering, mechanical engineering, nuclear engineering,
34 petroleum engineering, or traffic engineering, in any of its
35 branches in this state, including any person employed by the
36 State of California, or any city, county, or city and county, who
37 practices engineering, shall submit evidence that he is qualified
38 to practice, and shall be licensed accordingly as a chemical
39 engineer, civil engineer, control system engineer, electrical

1 engineer, fire protection engineer, mechanical engineer, nuclear
2 engineer, petroleum engineer, or traffic engineer by the board.

3 SEC. 17. Section 6730.5 is added to the Business and
4 Professions Code, to read:

5 6730.5. (a) The professional practice of engineering in the
6 branches and title authorities described in this chapter may
7 overlap, and some activities are common to two or more
8 branches and title authorities.

9 (b) Nothing in this chapter shall prohibit overlap by an
10 engineer licensed under the provisions of this chapter except in
11 the area of structural engineering as defined in Section 6731.8.
12 The scope of overlap is limited to his or her area of competency
13 defined in Section 6730.6 and is further limited to practicing or
14 offering to practice any engineering in connection with and
15 incidental to his or her branch of licensure.

16 (c) As such engineering work may be in connection with and
17 incidental to the engineering work of the professional engineer
18 on a specific project or activities related to a professional
19 engineer's licensed branch of engineering, it shall not be
20 necessary for the board to define in regulation permissible
21 engineering work that may be in connection with and incidental
22 to the engineering work of the professional engineer, or which
23 specific tasks or activities a professional engineer may or may
24 not perform.

25 (d) No local agency, including a city, county, city and county,
26 special district, and joint powers authority, may impose a
27 requirement that limits or restricts a licensed engineer's ability to
28 practice engineering in or before the local agency in any manner
29 that conflicts with the provisions of this chapter.

30 SEC. 18. Section 6730.6 is added to the Business and
31 Professions Code, to read:

32 6730.6. A professional engineer may practice engineering
33 work only in the field or fields in which he or she is by education
34 or experience competent and proficient.

35 SEC. 19. Section 6730.7 is added to the Business and
36 Professions Code, to read:

37 6730.7. (a) A civil, electrical, or mechanical engineer who
38 holds a valid license may practice without limitation or
39 restriction in the following practice areas: chemical engineering,

1 control system engineering, fire protection engineering, nuclear
2 engineering, petroleum engineering, and traffic engineering.

3 (b) No local agency, including a city, county, city and county,
4 special district, and joint powers authority, may impose a
5 requirement that limits or restricts a licensed engineer's ability to
6 practice engineering in or before the local agency in any manner
7 that conflicts with the provisions of this chapter.

8 SEC. 20. Section 6731.7 is added to the Business and
9 Professions Code, to read:

10 6731.7. The following definitions may not be construed as
11 regulating any other profession other than professional
12 engineering:

13 (a) "Chemical engineering" is that branch of professional
14 engineering that embraces studies or activities relating to the
15 development and application of processes in which chemical or
16 physical changes of materials are involved. These processes are
17 usually resolved into a coordinated series of unit physical
18 operations and unit chemical processes. It is concerned with the
19 research, design, production, operational, organizational, and
20 economic aspects of the above.

21 Any person practices chemical engineering when he or she
22 professes to be a chemical engineer or is in responsible charge of
23 chemical engineering work.

24 (b) "Control system engineering" is that branch of professional
25 engineering that requires such education and experience as is
26 necessary to understand the science of instrumentation and
27 automatic control of dynamic processes, and requires the ability
28 to apply this knowledge to the planning, development, operation,
29 and evaluation of systems of control so as to ensure the safety
30 and practical operability of those processes.

31 Any person practices control system engineering when he or
32 she professes to be a control system engineer or is in responsible
33 charge of control system engineering work.

34 (c) "Fire protection engineering" is that branch of professional
35 engineering that requires such education and experience as is
36 necessary to understand the engineering problems relating to the
37 safeguarding of life and property from fire and fire-related
38 hazards, and that requires the ability to apply this knowledge to
39 the identification, evaluation, correction, or prevention of present
40 or potential fire and fire-related panic hazards in buildings,

1 groups of building, or communities, and to recommend the
2 arrangement and use of fire-resistant building materials and fire
3 detection and extinguishing systems, devices, and apparatus in
4 order to protect life and property.

5 Any person practices fire engineering when he or she professes
6 to be a fire engineer or is in responsible charge of fire
7 engineering work.

8 (d) “Nuclear engineering” is that branch of professional
9 engineering that requires such education and experience as is
10 necessary to apply the principles of nuclear physics to the
11 engineering utilization of nuclear phenomena for the benefit of
12 mankind, and that is also concerned with the protection of the
13 public from the potential hazards of radiation and radioactive
14 materials. “Nuclear engineering” is primarily concerned with the
15 interaction of radiation and nuclear particles with matter.
16 “Nuclear engineering” requires the application of specialized
17 knowledge of the mathematical and physical sciences, together
18 with the principles and methods of engineering design and
19 nuclear analysis to specify, predict, and evaluate the behavior of
20 systems involving nuclear reactions, and to ensure the safe,
21 efficient operation of these systems, their nuclear products and
22 byproducts. “Nuclear engineering” encompasses, but is not
23 limited to, the planning and design of the specialized equipment
24 and process systems of nuclear reactor facilities, and the
25 protection of the public from any hazardous radiation produced
26 in the entire nuclear reaction process. These activities include all
27 aspects of the manufacture, transportation, and use of radioactive
28 materials.

29 Any person practices nuclear engineering when he or she
30 professes to be a nuclear engineer or is in responsible charge of
31 nuclear engineering work.

32 (e) “Petroleum engineering” is that branch of professional
33 engineering that embraces studies or activities relating to the
34 exploration, exploitation, location, and recovery of natural fluid
35 hydrocarbons. It is concerned with research, design, production,
36 and operation of devices and the economic aspects of the above.

37 Any person practices petroleum engineering when he or she
38 professes to be a petroleum engineer or is in responsible charge
39 of petroleum engineering work.

1 (f) “Traffic engineering” is that branch of professional
2 engineering that requires such education and experience as is
3 necessary to understand the science of measuring traffic and
4 travel and the human factors relating to traffic generation and
5 flow, and requires the ability to apply this knowledge to
6 planning, operation, and evaluation of streets and highways and
7 their networks, abutting lands, and interrelationships with other
8 modes of travel, and to provide safe and efficient movement of
9 people and goods.

10 Any person practices traffic engineering when he or she
11 professes to be a traffic engineer or is in responsible charge of
12 traffic engineering work.

13 (g) As it applies to the branch disciplines in this section, all
14 engineering plans, specifications, calculations, and reports
15 (hereinafter referred to as documents) prepared by, or under the
16 responsible charge of, a licensed engineer in the appropriate
17 branch shall include his or her name and license number. Interim
18 documents shall include a notation as to the intended purpose of
19 the document, such as “preliminary,” “not for construction,” “for
20 plan check only,” or “for review only.” All engineering plans and
21 specifications that are permitted or that are to be released for
22 construction shall bear the signature and seal or stamp of the
23 licensee, the date of signing and sealing or stamping, and the
24 expiration date of the license. All final engineering calculations
25 and reports shall bear the signature and seal or stamp of the
26 licensee, the date of signing and sealing or stamping, and the
27 expiration date of the license. If engineering plans are required to
28 be signed and sealed or stamped and have multiple sheets, the
29 signature, seal or stamp, date of signing and sealing or stamping,
30 and expiration date of the license shall appear on each sheet of
31 the plans. If engineering specifications, calculations, and reports
32 are required to be signed and sealed or stamped and have
33 multiple pages, the signature, seal or stamp, date of signing and
34 sealing or stamping, and expiration date of the license shall
35 appear at a minimum on the title sheet, cover sheet, or signature
36 sheet.

37 (h) Notwithstanding subdivision (g), a licensed engineer who
38 signs engineering documents shall not be responsible for damage
39 caused by subsequent changes to or uses of those documents, if
40 the subsequent changes or uses, including changes or uses made

1 by state or local governmental agencies, are not authorized or
2 approved by the licensed engineer who originally signed the
3 documents, provided that the engineering service rendered by the
4 licensed engineer who signed the documents was not also a
5 proximate cause of the damage.

6 SEC. 21. Section 6731.8 is added to the Business and
7 Professions Code, to read:

8 6731.8. Structural engineering is that part of civil engineering
9 that involves the application of specialized civil engineering
10 knowledge and experience to the design and analysis of buildings
11 or other structures that are constructed or rehabilitated to resist
12 forces induced by vertical and horizontal loads of a static and
13 dynamic nature. This specialized knowledge includes familiarity
14 with scientific and mathematical principles, experimental
15 research data, and practical construction methods and processes.
16 The design and analysis shall include consideration of stability,
17 deflection, stiffness, and other structural phenomena that affect
18 the behavior of the building or other structure.

19 SEC. 22. Section 6732 of the Business and Professions Code
20 is amended to read:

21 6732. It is unlawful for anyone other than a professional
22 engineer licensed under this chapter to stamp or seal any plans,
23 specifications, plats, reports, or other documents with the seal or
24 stamp of a professional engineer, or in any manner, use the title
25 “professional engineer,” “licensed engineer,” “registered
26 engineer,” or “consulting engineer,” or any of the following
27 branch titles: “chemical engineer,” “civil engineer,” “control
28 system engineer,” “electrical engineer,” “fire protection
29 engineer,” “mechanical engineer,” “nuclear engineer,”
30 “petroleum engineer,” or “traffic engineer,” or any combination
31 of these words and phrases or abbreviations thereof unless
32 licensed under this chapter.

33 SEC. 23. Section 6732.3 of the Business and Professions
34 Code is amended to read:

35 6732.3. (a) Any person who has received from the board a
36 registration or license in agricultural, corrosion, industrial,
37 manufacturing, metallurgical, quality, or safety engineering, and
38 who holds a valid license under this chapter, may continue to use
39 the branch title of the branch in which the professional engineer
40 is legally licensed. A person holding a license in agricultural,

1 corrosion, industrial, manufacturing, metallurgical, quality, or
2 safety engineering is subject to the license renewal provisions of
3 this chapter.

4 (b) The professional engineer also may continue to use the title
5 of “professional engineer,” “licensed engineer,” “registered
6 engineer,” or “consulting engineer.”

7 SEC. 24. Section 6732.4 of the Business and Professions
8 Code is amended to read:

9 6732.4. (a) Notwithstanding any other provision of law, any
10 person who has applied for licensure as a corrosion, quality, or
11 safety engineer, and who has completed the written examination
12 in one or more of these branch titles prior to January 1, 1999,
13 shall be issued a license in the branch title for which the
14 applicant was examined, provided that he or she has met all other
15 qualifications for licensure. The board shall not administer any
16 examination for licensure as a corrosion, quality, or safety
17 engineer on or after January 1, 1999.

18 (b) Notwithstanding any other provision of law, any person
19 who has applied for licensure as a manufacturing engineer, and
20 who has completed the written examination for this branch title
21 prior to January 1, 2004, shall be issued a license as a
22 manufacturing engineer, provided that he or she has met all other
23 qualifications for licensure. The board shall not administer any
24 examination for licensure as a manufacturing engineer on or after
25 January 1, 2004.

26 (c) Notwithstanding any other provision of law, any person
27 who has applied for licensure as an agricultural, industrial, or
28 metallurgical engineer, and who has completed the written
29 examination in one or more of these branches prior to January 1,
30 2006, shall be issued a license in the branch title for which the
31 applicant was examined, provided that he or she has met all other
32 qualifications for licensure. The board shall not administer any
33 examination for licensure as an agricultural, industrial, or
34 metallurgical engineer on or after January 1, 2006.

35 SEC. 25. Section 6732.5 is added to the Business and
36 Professions Code, to read:

37 6732.5. (a) Upon the discontinuance of a national
38 examination for a branch specified in this chapter, the board shall
39 not be required to administer an examination for licensure in that
40 branch or be required to issue licenses in that branch.

(b) Any person who has received from the board a license in a branch where the national examination is discontinued, and who holds a valid license to practice professional engineering under this chapter, may continue to use the branch title of the branch in which the professional engineer is legally licensed. A person holding a license in the affected branch of engineering is subject to the license renewal provisions of this chapter.

The professional engineer may also continue to use the title of “professional engineer,” “licensed engineer,” “registered engineer,” or “consulting engineer.”

SEC. 26. Section 6736 of the Business and Professions Code is amended to read:

6736. No person shall use the title, “structural engineer,” or any combination of these words or abbreviations thereof, unless he or she is a licensed civil engineer in this state and unless he or she has been found qualified as a structural engineer according to the rules and regulations established for structural engineers by the board.

SEC. 27. Section 6736.1 of the Business and Professions Code is amended to read:

6736.1. (a) No person shall use the title, “soil engineer,” “soils engineer,” or “geotechnical engineer,” or any combination of these words or abbreviations thereof, unless he or she is a licensed civil engineer in this state and files an application to use the appropriate title with the board, and the board determines the applicant is qualified to use the requested title.

(b) The board shall establish qualifications and standards to use the title “soil engineer,” “soils engineer,” or “geotechnical engineer.” However, each applicant shall demonstrate a minimum of four years qualifying experience beyond that required for licensure as a civil engineer, and shall pass the examination specified by the board.

(c) For purposes of this section, “qualifying experience” means proof of responsible charge of soil engineering projects in at least 50 percent of the major areas of soil engineering, as determined by the board.

(d) Nothing contained in this chapter requires existing references to “soil engineering,” “soils engineering,” “geotechnical engineering,” “soil engineer,” “soils engineer,” or “geotechnical engineer,” in local agency ordinances, building

1 codes, regulations, or policies, to mean that those activities or
2 persons must be registered or authorized to use the relevant title
3 or authority.

4 SEC. 28. Section 6737.2 of the Business and Professions
5 Code is repealed.

6 SEC. 29. Section 6737.3 of the Business and Professions
7 Code is amended to read:

8 6737.3. (a) A contractor licensed under Chapter 9
9 (commencing with Section 7000) of Division 3 is exempt from
10 the provisions of this chapter relating to the practice of control
11 system, electrical, fire protection, or mechanical engineering so
12 long as the services he or she holds himself or herself out as able
13 to perform or does perform, which services are subject to the
14 provisions of this chapter, are performed by, or under the
15 responsible charge of a registered control system, electrical, fire
16 protection, or mechanical engineer insofar as the control system,
17 electrical, fire protection, or mechanical engineer practices the
18 branch of engineering for which he or she is licensed.

19 (b) This section shall not prohibit a licensed contractor, while
20 engaged in the business of contracting for the installation of
21 control system, electrical, fire protection, or mechanical systems
22 or facilities, from designing those systems or facilities in
23 accordance with applicable construction codes and standards for
24 work to be performed and supervised by that contractor within
25 the classification for which his or her license is issued, or from
26 preparing control system, electrical, fire protection, or
27 mechanical shop or field drawings for work which he or she has
28 contracted to perform. Nothing in this section is intended to
29 imply that a licensed contractor may design work which is to be
30 installed by another person.

31 SEC. 30. Section 6738 of the Business and Professions Code
32 is amended to read:

33 6738. As used in this section, “professional engineering
34 services” means chemical, civil, control system, electrical, fire
35 protection, mechanical, nuclear, petroleum, or traffic engineering
36 services.

37 (a) This chapter does not prohibit one or more chemical, civil,
38 control system, electrical, fire protection, mechanical, nuclear,
39 petroleum, or traffic engineers from practicing or offering to
40 practice within the scope of their license, chemical, civil, control

1 system, electrical, fire protection, mechanical, nuclear,
2 petroleum, or traffic engineering as a sole proprietorship,
3 partnership, firm, or corporation (hereinafter called business), as
4 long as all of the following requirements are met:

5 (1) A chemical, civil, control system, electrical, fire
6 protection, mechanical, nuclear, petroleum, or traffic engineer
7 currently licensed in this state is an owner, part owner, partner, or
8 officer in charge of the engineering practice of the business.

9 (2) All professional engineering services are performed by, or
10 under the responsible charge of, a licensed engineer in the
11 appropriate branch of professional engineering.

12 (3) The business name of a California business shall only
13 contain the name of any person who is licensed by the board in a
14 branch of professional engineering, a licensed land surveyor, a
15 licensed architect, or a geologist registered under the Geologist
16 Act (Chapter 12.5 (commencing with Section 7800)). Any offer,
17 promotion, or advertisement by the business which contains the
18 name of any individual in the business, other than by use of the
19 name of an individual in the business name, shall clearly and
20 specifically designate the license or registration discipline of
21 each individual named.

22 (b) An out-of-state business with a branch office in this state
23 shall meet the requirements of subdivision (a) and shall have a
24 part owner or officer who is in charge of the engineering work in
25 the branch in this state, who is licensed in this state, and who is
26 physically present at the branch office in this state on a regular
27 basis. However, the name of the business may contain the name
28 of any person not licensed in this state if that person is
29 appropriately registered or licensed in another state. Any offer,
30 promotion, or advertisement which contains the name of any
31 individual in the business, other than by use of the names of the
32 individuals in the business name, shall clearly and specifically
33 designate the license or registration discipline of each individual
34 named.

35 (c) A fictitious name may be used for an engineering business
36 if (1) the name does not conflict with paragraph (3) of
37 subdivision (a) requiring that names used in the business name
38 shall be appropriately licensed or registered individuals, and (2)
39 an organization record form is filed with the board.

(d) A person not licensed under the provisions of this chapter may also be a part owner or an officer of a chemical, civil, control system, electrical, fire protection, mechanical, nuclear, petroleum, or traffic engineering business if the requirements of subdivision (a) are met. Nothing in this section shall be construed to permit a person who is not licensed under the provisions of this chapter to be the sole owner of a chemical, civil, control system, electrical, fire protection, mechanical, nuclear, petroleum, or traffic engineering business, unless otherwise exempt under this chapter.

(e) This chapter does not prevent an individual or business engaged in any line of endeavor other than the practice of chemical, civil, control system, electrical, fire protection, mechanical, nuclear, petroleum, or traffic engineering from employing or contracting with a licensed chemical, civil, control system, electrical, fire protection, mechanical, nuclear, petroleum, or traffic engineer to perform the respective engineering services incidental to the conduct of business.

(f) This section shall not prevent the use of the name of any business engaged in rendering professional engineering services, including the use by any lawful successor or survivor, which lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a), and the business shall file an organization record form with the board as designated by board rule.

(g) A business engaged in rendering professional engineering services may use in its name the name of a deceased or retired person provided all of the following conditions are satisfied:

(1) The person's name had been used in the name of the business, or a predecessor in interest of the business, prior to and after the death or retirement of the person.

(2) The person shall have been an owner, part owner, or officer of the business, or an owner, part owner, or officer of the predecessor in interest of the business.

(3) The person shall have been licensed as a professional engineer, or a land surveyor, or an architect, or a geologist, (A) by the appropriate licensing board if that person is operating a place of business or practice in this state, or (B) by the applicable state board in the event no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another professional engineering business in this state during the period of the consent. However, the retired person may use his or her name as the name of a new or purchased business if it is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to the provisions of paragraphs (1) and (2) of subdivision (a).

(6) The business files a current organization record form with the board.

(h) This section does not affect the provisions of Sections 6731.2 and 8726.1.

(i) All businesses engaged in rendering professional engineering services shall file a current organization record form with the board.

SEC. 31. Section 6740 of the Business and Professions Code is amended to read:

6740. A subordinate to a chemical, civil, control system, electrical, fire protection, mechanical, nuclear, petroleum, or traffic engineer licensed under this chapter, or a subordinate to a chemical, civil, control system, electrical, fire protection, mechanical, nuclear, petroleum, or traffic engineer exempted from licensure under this chapter, insofar as he or she acts solely in that capacity, is exempt from licensure under the provisions of this chapter. This exemption, however, does not permit the subordinate to practice chemical, civil, control system, electrical, fire protection, mechanical, nuclear, petroleum, or traffic engineering in his or her own right or to use the titles listed in Sections 6732, 6736, and 6736.1.

SEC. 32. Section 6741 of the Business and Professions Code is amended to read:

6741. Any person, firm, partnership, or corporation is exempt from licensure under the provisions of this chapter who meets all the following:

(a) Is a nonresident of the State of California.

(b) Is legally qualified in another state to practice as a chemical, civil, control system, electrical, fire protection, mechanical, nuclear, petroleum, or traffic engineer.

(c) Does not maintain a regular place of business in this state.

(d) Offers to but does not practice chemical, civil, control system, electrical, fire protection, mechanical, nuclear, petroleum, or traffic engineering in this state.

SEC. 33. Section 6746.1 is added to the Business and Professions Code, to read:

6746.1. The provisions of this chapter pertaining to licensure of professional engineers, other than civil engineers, do not apply to employees in the communications industry nor to the employees of contractors while engaged in work on communications equipment. However, those employees may not use any of the titles listed in Sections 6732, 6736, and 6736.1 unless licensed.

SEC. 34. Section 6750 of the Business and Professions Code is amended to read:

6750. (a) An application for registration as a professional engineer or certification as an engineer-in-training shall be made to the board on the prescribed form, with all statements made therein under oath, and shall be accompanied by the application fee and examination fee prescribed by this chapter. An application for registration as a professional engineer shall specify, additionally, the branch of engineering in which the applicant desires registration.

(b) The board may authorize an organization specified by the board pursuant to Section 6754 to receive directly from applicants payment of the examination fees charged by that organization as payment for examination materials and services.

SEC. 35. Section 6754 of the Business and Professions Code is amended to read:

6754. Examination for registration shall be held at such times and places as the board shall determine.

The second division of the examination for all branches specified in Section 6732 shall be administered at least once each year.

Work of the board relating to examination and registration may be divided into committees as the board shall direct. The scope of examinations and the methods of procedure may be prescribed by board rule.

The examination shall be conducted by a nationally recognized entity approved by the board, if available.

1 SEC. 36. Section 6755.1 of the Business and Professions
2 Code is amended to read:

3 6755.1. (a) The second division of the examination for
4 registration as a professional engineer shall include questions to
5 test the applicant's knowledge of state laws and the board's rules
6 and regulations regulating the practice of professional
7 engineering. The board shall administer the test on state laws and
8 board rules regulating the practice of engineering in this state as
9 a separate part of the second division of the examination for
10 registration as a professional engineer.

11 (b) On and after April 1, 1988, the second division of the
12 examination for registration as a civil engineer shall also include
13 questions to test the applicant's knowledge of seismic principles
14 and engineering surveying principles as defined in Section
15 6731.1. No registration for a civil engineer shall be issued by the
16 board on or after January 1, 1988, to any applicant unless he or
17 she has successfully completed questions to test his or her
18 knowledge of seismic principles and engineering surveying
19 principles.

20 The board shall administer the questions to test the applicant's
21 knowledge of seismic principles and engineering surveying
22 principles as a separate part of the second division of the
23 examination for registration as a civil engineer.

24 It is the intent of the Legislature that this section confirm the
25 authority of the board to issue registrations prior to April 1, 1988,
26 to applicants based on examinations not testing the applicant's
27 knowledge of seismic principles and engineering surveying
28 principles as defined in Section 6731.1.

29 SEC. 37. Section 6780 of the Business and Professions Code
30 is amended to read:

31 6780. (a) A petitioner may petition the board for
32 reinstatement or modification of penalty, including reduction,
33 modification, or termination of probation, after the following
34 minimum periods have elapsed from the effective date of the
35 decision ordering the disciplinary action, or if the order of the
36 board or any portion of it is stayed by a court of law, from the
37 date the disciplinary action is actually implemented in its
38 entirety:

39 (1) Except as otherwise provided in this section, at least three
40 years for reinstatement of a certificate that was revoked or

1 surrendered. However, the board may, in its sole discretion,
2 specify in its order of revocation or surrender a lesser period of
3 time that shall be at minimum one year.

4 (2) At least two years for early termination of a probation
5 period of three years or more.

6 (3) At least one year for early termination of a probation
7 period of less than three years.

8 (4) At least one year for reduction or modification of a
9 condition of probation.

10 (b) The board shall notify the Attorney General of the filing of
11 the petition. The petitioner and the Attorney General shall be
12 given timely notice by letter of the time and place of the hearing
13 on the petition, and the petitioner and the Attorney General shall
14 be given the opportunity to present both oral and documentary
15 evidence and argument to the board. The petitioner shall at all
16 times have the burden of proof to establish by clear and
17 convincing evidence that he or she is entitled to the relief sought
18 in the petition.

19 (c) The board itself or an administrative law judge, if one is
20 designated by the board, shall hear the petition and shall prepare
21 a written decision setting forth the reasons supporting the
22 decision.

23 (d) The board may grant or deny the petition or may impose
24 any terms and conditions that it reasonably deems appropriate as
25 a condition of reinstatement or reduction or modification of the
26 penalty.

27 (e) No petition shall be considered while the petitioner is
28 under sentence for any criminal offense, including any period
29 during which the petitioner is on court-imposed probation or
30 parole. No petition shall be considered while there is an
31 accusation or petition to revoke probation pending against the
32 petitioner.

33 (f) The board may, in its discretion, deny without hearing or
34 argument any petition that is filed pursuant to this section within
35 a period of two years from the effective date of a prior decision
36 following a hearing under this section.

37 (g) Judicial review of the board's decision following a hearing
38 under this section may be sought by way of a petition for writ of
39 administrative mandamus pursuant to Section 1094.5 of the Code
40 of Civil Procedure. The party seeking to overturn the board's

1 decision shall have the burden of proof in any mandamus
2 proceeding. In the mandamus proceeding, if it is alleged that
3 there has been an abuse of discretion because the board's
4 findings are not supported by the evidence, abuse of discretion is
5 established if the court determines that the findings are not
6 supported by substantial evidence in light of the whole record.

7 (h) The following definitions apply for purposes of this
8 section:

9 (1) "Certificate" includes certificate of registration or license
10 as a professional engineer; certificates of authority to use the
11 titles "structural engineer," "geotechnical engineer," "soil
12 engineer," "soils engineer," or "consulting engineer;" and
13 certification as an engineer-in-training.

14 (2) "Petitioner" means a professional engineer or an
15 engineer-in-training whose certificate has been revoked,
16 suspended, or surrendered or placed on probation.

17 SEC. 38. Section 6787 of the Business and Professions Code
18 is amended to read:

19 6787. Every person is guilty of a misdemeanor:

20 (a) Who, unless he or she is exempt from licensure under this
21 chapter, practices or offers to practice chemical, civil, control
22 system, electrical, fire protection, mechanical, nuclear,
23 petroleum, or traffic engineering in this state according to the
24 provisions of this chapter without legal authorization.

25 (b) Who presents or attempts to file as his or her own the
26 certificate of licensure of a licensed professional engineer unless
27 he or she is the person named on the certificate of licensure.

28 (c) Who gives false evidence of any kind to the board, or to
29 any member thereof, in obtaining a certificate of licensure.

30 (d) Who impersonates or uses the seal of a licensed
31 professional engineer.

32 (e) Who uses an expired, suspended, or revoked certificate
33 issued by the board.

34 (f) Who represents himself or herself as, or uses the title of,
35 licensed or registered chemical, civil, control system, electrical,
36 fire protection, mechanical, nuclear, petroleum, or traffic
37 engineer, or any other title whereby that person could be
38 considered as practicing or offering to practice chemical, civil,
39 control system, electrical, fire protection, mechanical, nuclear,
40 petroleum, or traffic engineering in any of its branches, unless he

1 or she is correspondingly qualified by licensure as a chemical,
2 civil, control system, electrical, fire protection, mechanical,
3 nuclear, petroleum, or traffic engineer under this chapter.

4 (g) Who, unless appropriately licensed, manages, or conducts
5 as manager, proprietor, or agent, any place of business from
6 which chemical, civil, control system, electrical, fire protection,
7 mechanical, nuclear, petroleum, or traffic engineering work is
8 solicited, performed, or practiced, except as authorized pursuant
9 to subdivision (d) of Section 6738 and Section 8726.1.

10 (h) Who uses the title, or any combination of that title, of
11 “professional engineer,” “licensed engineer,” “registered
12 engineer,” or the branch titles specified in Section 6732, or the
13 authority titles specified in Sections 6736 and 6736.1, or
14 “engineer-in-training,” or who makes use of any abbreviation of
15 that title that might lead to the belief that he or she is a licensed
16 engineer, is authorized to use the titles specified in Section 6736
17 or 6736.1, or holds a certificate as an engineer-in-training,
18 without being licensed, authorized, or certified as required by this
19 chapter.

20 (i) Who uses the title “consulting engineer” without being
21 licensed as required by this chapter or without being authorized
22 to use that title pursuant to legislation enacted at the 1963, 1965
23 or 1968 Regular Session.

24 (j) Who violates any provision of this chapter.

25 SEC. 39. Section 8710 of the Business and Professions Code
26 is amended to read:

27 8710. (a) The Board for Professional Engineers and Land
28 Surveyors is vested with power to administer the provisions and
29 requirements of this chapter, and may make and enforce rules
30 and regulations that are reasonably necessary to carry out its
31 provisions.

32 (b) The board may adopt rules and regulations of professional
33 conduct that are not inconsistent with state and federal law. The
34 rules and regulations may include definitions of incompetence
35 and negligence. Every person who holds a license or certificate
36 issued by the board pursuant to this chapter, or a license or
37 certificate issued to a civil engineer pursuant to Chapter 7
38 (commencing with Section 6700), shall be governed by these
39 rules and regulations.

1 (c) This section shall become inoperative on July 1, 2012, and,
2 as of January 1, 2013, is repealed, unless a later enacted statute,
3 which becomes effective on or before January 1, 2013, deletes or
4 extends the dates on which it becomes inoperative and is
5 repealed. The repeal of this section shall render the board subject
6 to the review required by Division 1.2 (commencing with Section
7 473).

8 SEC. 40. Section 8740 of the Business and Professions Code
9 is amended to read:

10 8740. (a) An application for each division of the examination
11 for a license as a land surveyor shall be made to the board on the
12 form prescribed by it, with all statements therein made under
13 oath, and shall be accompanied by the application fee and
14 examination fee prescribed by this chapter.

15 (b) The board may authorize an organization specified by the
16 board pursuant to Section 8747 to receive directly from
17 applicants payment of the examination fees charged by that
18 organization as payment for examination materials and services.

19 SEC. 41. Section 8741 of the Business and Professions Code
20 is amended to read:

21 8741. (a) The first division of the examination shall test the
22 applicant's fundamental knowledge of surveying, mathematics,
23 and basic science. The board may prescribe by regulation
24 reasonable educational or experience requirements including two
25 years of postsecondary education in land surveying, two years of
26 experience in land surveying, or a combination of postsecondary
27 education and experience in land surveying totaling two years for
28 admission to the first division of the examination. Applicants
29 who have passed the engineer-in-training examination, or who
30 hold professional engineer registration, are exempt from this
31 division of the examination.

32 The second division of the examination shall test the
33 applicant's ability to apply his or her knowledge and experience
34 and to assume responsible charge in the professional practice of
35 land surveying.

36 (b) The applicant for the second division examination shall
37 have successfully passed the first division examination, or shall
38 be exempt therefrom. The applicant shall be thoroughly familiar
39 with (1) the procedure and rules governing the survey of public
40 lands as set forth in "Manual of Surveying Instructions,"

1 published by the Bureau of Land Management, Department of
2 the Interior, Washington, D.C. and (2) the principles of real
3 property relating to boundaries and conveyancing.

4 (c) The board may by rule provide for a waiver of the first
5 division of the examination for applicants whose education and
6 experience qualifications substantially exceed the requirements
7 of Section 8742.

8 (d) The board may by rule provide for a waiver of the second
9 division of the examination and the assignment to a special
10 examination for those applicants whose educational
11 qualifications are equal to, and whose experience qualifications
12 substantially exceed, those qualifications established under
13 subdivision (c). The special examination may be either written or
14 oral, or a combination of both.

15 SEC. 42. Section 8741.1 of the Business and Professions
16 Code is amended to read:

17 8741.1. The second division of the examination for licensure
18 as a land surveyor shall include an examination that incorporates
19 a national examination for land surveying by a nationally
20 recognized entity approved by the board, and a supplemental
21 California specific examination. The California specific
22 examination shall test the applicant's knowledge of the
23 provisions of this chapter and the board's rules and regulations
24 regulating the practice of professional land surveying in this
25 state.

26 The board shall use the national examination on or before June
27 1, 2003. In the meantime, the board may continue to provide the
28 current state-only second division examination and administer
29 the test on the provisions of this chapter and board rules as a
30 separate part of the second division examination for licensure as
31 a land surveyor.

32 SEC. 43. Section 8745 of the Business and Professions Code
33 is amended to read:

34 8745. Examinations for license shall be held at such times
35 and at such places within the state as determined by board rule.

36 The examinations may be conducted by one or more members
37 of the board, one or more of their duly authorized
38 representatives, or by a public or private organization specified
39 by the board.

1 The board may make arrangements with a public or private
2 organization for the conduct of the examination, as deemed
3 necessary by the board. The board may contract with a public or
4 private organization for materials or services related to the
5 examination.

6 The scope of examinations and the method of procedure shall
7 be prescribed by board rule.

8 The examination shall be conducted by a nationally recognized
9 entity approved by the board, if available.

10 SEC. 44. Section 8753 of the Business and Professions Code
11 is repealed.

12 SEC. 45. Section 8761 of the Business and Professions Code
13 is amended to read:

14 8761. (a) Any licensed land surveyor or civil engineer
15 authorized to practice land surveying may practice land
16 surveying and prepare maps, plats, reports, descriptions, or other
17 documentary evidence in connection with that practice. All maps,
18 plats, reports, descriptions, or other documents shall be prepared
19 by, or under the responsible charge of a licensed land surveyor or
20 civil engineer authorized to practice land surveying and shall
21 include his or her name and license number. If the document has
22 multiple pages or sheets, the signature, the seal or stamp, date of
23 signing and sealing or stamping, and expiration date of the
24 license shall appear, at a minimum, on the title sheet, cover sheet
25 or page, or signature sheet.

26 (b) Interim maps, plats, reports, descriptions, or other
27 documents shall include a notation as to the intended purpose of
28 the map, plat, report, description, or other document, such as
29 “preliminary” or “for examination only.”

30 (c) All final maps, plats, reports, descriptions, or other
31 documents issued by a licensed land surveyor or civil engineer
32 authorized to practice land surveying shall bear the signature and
33 seal or stamp of the licensee, the date of signing and sealing or
34 stamping, and the expiration date of the license.

35 (d) It is unlawful for any person to sign, stamp, seal, or
36 approve any map, plat, report, description, or other document
37 unless the person is authorized to practice land surveying.

38 (e) It is unlawful for any person to stamp or seal any map, plat,
39 report, description, or other document with the seal after the
40 certificate of the licensee that is named on the seal has expired or

1 has been suspended or revoked, unless the certificate has been
2 renewed or reissued.

3 SEC. 46. Section 8764 of the Business and Professions Code
4 is amended to read:

5 8764. The record of survey shall show the applicable
6 provisions of the following consistent with the purpose of the
7 survey:

8 (a) All monuments found, set, reset, replaced, or removed,
9 describing their kind, size, and location, and giving other data
10 relating thereto.

11 (b) Bearing or witness monuments, basis of bearings, bearing
12 and length of lines, scale of map, and north arrow.

13 (c) Name and legal designation of the property in which the
14 survey is located, and the date or time period of the survey.

15 (d) The relationship to those portions of adjacent tracts,
16 streets, or senior conveyances which have common lines with the
17 survey.

18 (e) Memorandum of oaths.

19 (f) Statements required by Section 8764.5.

20 (g) Any other data necessary for the intelligent interpretation
21 of the various items and locations of the points, lines, and areas
22 shown, or convenient for the identification of the survey or
23 surveyor, as may be determined by the civil engineer or land
24 surveyor preparing the record of survey.

25 The record of survey shall also show, either graphically or by
26 note, the reason or reasons, if any, why the mandatory filing
27 provisions of paragraphs (1) to (5), inclusive, of subdivision (b)
28 of Section 8762 apply.

29 The record of survey need not consist of a survey of an entire
30 property.

31 SEC. 47. No reimbursement is required by this act pursuant
32 to Section 6 of Article XIII B of the California Constitution
33 because the only costs that may be incurred by a local agency or
34 school district will be incurred because this act creates a new
35 crime or infraction, eliminates a crime or infraction, or changes
36 the penalty for a crime or infraction, within the meaning of
37 Section 17556 of the Government Code, or changes the
38 definition of a crime within the meaning of Section 6 of Article
39 XIII B of the California Constitution.

1 *SEC. 48. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or safety*
3 *within the meaning of Article IV of the Constitution and shall go*
4 *into immediate effect. The facts constituting the necessity are:*
5 *In order to make needed changes to regulatory and licensing*
6 *provisions relative to engineers as soon as possible, it is*
7 *necessary that this act take effect immediately.*

O